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Not untypically, Zambanini became disgruntled en route Yokosuka, and also not untypically absented himself without authority after the ORISKANY was docked at the Naval Base. He was assigned to the electrical shop aboard, and had few if any duties to perform while the ship was out of normal operational status. The extraordinary aspect of Zambanini's experience began about the 4th to the 6th of August, 1972, when Zambanini's bar hopping led him to an establishment styled the Yokosuka David, presided over by a man known as Brian Victoria. Victoria was equipped with a truck which had speakers and sound amplification equipment, and assisted dissident groups in Japan in their protest rallies conducted in public parks. The Yokosuka David served as a staging area for such rallies, affording such facilities as poster making material and a typewriter. Zambanini voiced his disgruntlement to Victoria, who introduced Zambanini to John Hedges, purportedly a lawyer employed in Japan by the American Civil Liberties Union. Hedges suggested to Zambanini the possibility that Zambanini might obtain release from the Navy by claiming conscientious objection to warfare. Victoria proposed that Zambanini might speak at a rally to be held in a local park on 10 August, expressing opposition to the combat operations of the United States in Vietnam, and produced a typewriter for Zambanini's use for preparing speaking aids and formal written expressions of protest. Guided by Hedges, Zambanini typed a letter directed to the Secretary of the Navy, which was styled "letter of resignation," and some points to be made in speaking on the 10th at the rally, which speech would be concluded by Zambanini's reading the "letter of resignation." Victoria then suggested that after reading the "letter of resignation," Zambanini should announce that he was going to walk from the park where the rally was being held to the gate of the Yokosuka Naval Base and surrender himself, calling upon persons at the rally to follow and observe his action. Hedges seemed confident that he could thereafter have Zambanini separated from the Navy under honorable conditions, as a conscientious objector.

Zambanini had celebrated his nineteenth birthday some four months previously, and this was the first time in his recollected life that he felt that he was receiving respectful attention from peers and seniors. He performed as programmed by Victoria and Hedges on the 10th, and was followed by many of those who had attended the rally when he turned himself in at the Naval Base. Intelligence reports particularly noted the presence of Victoria across the street at the time Zambanini surrendered at the Naval Base gate.

My own experience reviewing several hundreds of Navy cases on what is now termed the Navy Court of Military Review would indicate that Zambanini's misconduct to the point set forth above -- if he had been tried before a court-martial at all -- would not have resulted in a sentence extending to discharge from the service. But Victoria and Hedges had set sparks in the powder-keg psyche of that intelligent, though extremely immature, adolescent. After being kept in the brig overnight, he was taken to the ORISKANY on the morning of the 11th, and was "restricted," i. e., orally ordered to remain aboard. Zambanini utilized a ruse to get ashore with a change of clothing; left the Base; and went to the apartment of a girl friend (a Japanese national) with whom he had associated in the Yokosuka David. Zambanini sent the Japanese girl to the Yokosuka David with a message for Victoria, the essence of which was that Victoria should have Hedges come to the girl's apartment to counsel Zambanini. Hedges did come to the apartment and advised Zambanini: (a) that Zambanini should miss the sailing of the ORISKANY, scheduled for the following day, the 12th; (b) that Zambanini should go by rail (being furnished a ticket by Hedges) to an apartment maintained by Hedges in Tokyo; and (c) that Zambanini should remain in the apartment until further notice,

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arrangements being made for his sustenance. The advice to Zambanini that he should deliberately miss the sailing of the vessel is of especial significance in that following it effectively converted Zambanini from a misdemeanor into a felon in a military legal context.

Zambanini acted in accordance with all of Hedges's suggestions. While in the apartment in Tokyo he was visited by several persons who appeared to be Japanese nationals who represented to him that they were allied with politically active organizations in Japan. These visitors weighed in discussion with Zambanini various possibilities of action by him, including whether it might be possible for him to claim sanctuary in one of the buildings occupied by the Japanese Diet or legislature. After several days, Hedges came to the apartment and told Zambanini that Zambanini would be furnished transportation by automobile to Sagamahira, where Hedges would meet him with further instructions. At Sagamahira, Hedges guided and accompanied Zambanini in appearing with a group protesting the movement of U. S. Army tanks from the Army base in Sagamahira to Yokohama. Thereafter Hedges took Zambanini to a "temple," which proved to be housed in a tent, where Hedges assured Zambanini that Zambanini could claim sanctuary. During that night (21-22 August) Japanese nationals appearing to be policemen entered the tent; forcibly removed Zambanini; and delivered him into the custody of U. S. authorities at the Army base. He was then returned to U. S. Navy authority at Yokosuka, and ordered to trial before a Special Court-Martial, charged with unauthorized absences, breaking restriction, by design missing the movement of his unit, and engaging in demonstrations in violation of an order of the local area commander.

Hedges appeared as Zambanini's principal counsel. Two young Navy lawyers were successively appointed as military defense counsel, but neither seems to have learned of Hedges's disqualifying previous connection with the case. Hedges counsel to Zambanini at this point was interpreted by Zambanini as counsel of despair. Zambanini requested that he be discharged as undesirable (under conditions other than honorable) in lieu of proceeding with the court-martial trial, and his request was endorsed by Hedges and the appointed military counsel. Zambanini's discharge was thus effected 4 October 1972.

On behalf of Mr. Zambanini, I am seeking discovery of U. S. Governmental connections of Brian Victoria, John Hedges, the American Civil Liberties Union, and of Japanese nationals associating with Mr. Zambanini over the 3-23 August, 1972, period, and, with respect to Hedges, the further period from 23 August until 4 October, 1972.

Sincerely yours,


Homer A. Walkup
Captain, JAGC, USNR (Ret.)

HOMER A. WALKUP
CAPTAIN, JAGC, USNR (Ret.)
2501 RIDGE ROAD DRIVE
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Executive Registry

76-9952

ATTORNEY CONSULTANT
Member, The West Virginia State Bar

(703) 836-8281

1 September 1976

Honorable George Bush, Director
Central Intelligence Agency
Washington, D. C. 20505

Re: Laurence Eugene ZAMBANINI, SSAN 221 388 8599, NSN D 409322
DPOB 26 March 1953, Wilmington, Delaware
Parents: Richard J. and Marie A. Zambanini
523 Lennox Road, Wilmington, Delaware 19809

Dear Sir:

I have been retained by Mr. L. E. Zambanini, and have had deposited with me necessary filing fees, to institute on his behalf a suit against the Government of the United States, testing the legality of the discharge of Mr. Zambanini from the United States Navy on 4 October 1972. He has exhausted administrative remedies through successive petitions to the Navy Discharge Review Board and the Board for Correction of Naval Records under 10 USC 1553 and 10 USC 1552, respectively. It will be necessary to seek discovery from the Central Intelligence Agency of connections and associations with the Government of the United States of certain persons and agencies in Japan during August, 1972, activities of whom bore close causal connection to the circumstances leading to the discharge of Mr. Zambanini. I hold a power of attorney from Mr. Zambanini, authorizing my access to all matter in intelligence and other governmental files concerning him, and explicitly authorizing -- in recognition of security clearances held by me while I was on active duty -- divulgence to me of matter pertaining to Mr. Zambanini under conditions which preclude my fully disclosing to him, as my client, the detailed nature and source of such information. I am requesting an opportunity to discuss this case with responsible Agency representatives in advance of filing an action, my experience through over thirty years of service in Navy legal billets having indicated that such discussions are mutually advantageous. I can usually be reached at telephone number 836-8281.

Mr. Zambanini's personnel file is unrevealing as to the detailed facts and circumstances leading to his discharge. I have ascertained the circumstances through my own investigation, and am summarizing them below for the assistance of Agency personnel who are reviewing the matter.

Mr. Zambanini, who is called "Larry" by his family and friends, is a young man of high intelligence (Navy GCT 66, ARI 56, 50 being the norm), but with an adolescent record of unstable home and school adjustments. He enlisted in June-July, 1971; completed recruit training at Great Lakes, Illinois; and was initially considered for further training in the Navy Nuclear Power program, but was changed to Electrician's Mate School, possibly (VA 34), reporting aboard at Alameda, California, in May, 1972. The ship was on Enkele Station in Tonkin Gulf during June, and was preparing to depart for the Philippines in July when a suspect propeller shaft defect caused a change of destination to Yokosuka, Japan, for drydocking. The ORISKANY was in Yokosuka from about the 1st until the 12th of August. The circumstances afforded virtually no opportunity for ship's officers and those of the Naval Base ashore to plan or supervise any program or guide lines for the ORISKANY's supervision of personnel going ashore.

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